

PTO/SB/21 (09-08)

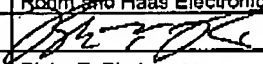
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/692,093	
	Filing Date	Oct 22, 2003	
	First Named Inventor	Bian, Jinru	
	Art Unit	1765	
	Examiner Name	Eric B. Chen	
Total Number of Pages in This Submission	4	Attorney Docket Number	02005US

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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Rohm and Haas Electronic Materials CMP Holdings, Inc.		
Signature			
Printed name	Blake T. Biederman		
Date	August 8, 2007	Reg. No.	34,124

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Patricia A. Weber	Date	August 8, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Bian	Confirmation No.: 8299
Serial No.: 10/692,093	Group Art Unit: 1765
Filed: 10/22/2003	Examiner: Chen, Kin Chan
Title: METHOD OF SECOND STEP POLISHING IN COPPER CMP WITH A POLISHING FLUID CONTAINING NO OXIDIZING AGENT	
Attorney Docket No.: 02005US	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER CFR 1.183**

Dear Sir:

Applicants respectfully petition that the Commissioner suspend the rules as follows:

- I. Retract the Notice of Abandonment mailed August 6, 2007.
- II. Resubmit the action mailed May 5, 2006 (not received).
- III. Refund the petition fee.

A chronological history of correspondence with the USPTO is as follows:

1. On March 10, 2006, Applicants filed an RCE entering a previously submitted amendment.
2. On May 5, 2006, the USPTO mailed a response.
3. On May 15, 2006, the USPTO received the response as return to sender.
4. Next correspondence was a phone call from the USPTO requesting that I confirm Rohm and Haas' intention to abandon the application. After a quick investigation, I called back noting that Rohm and Haas did not intend to abandon the case and that the PAIR system indicates that the response was returned to sender. Furthermore, I noted

that the lines on the envelope returned to the USPTO appear to indicate that the USPTO mailed the response to the wrong address—see attached copy from the PAIR system. In addition, I requested that the USPTO either reinstate the office action and that the USPTO had abandoned another patent application under similar circumstances.

5. Despite evidence of the USPTO mailing the response to a non-address, it mailed the letter of abandonment August 6, 2007.


Arguments for the petition to suspend rules are as follows:

- I. As evidenced by the correspondence, Rohm and Haas Electronic Materials CMP Holdings, Inc. had a four line address, not a “blank” address of the Attachment.
- II. Applicants’ attorney made a good faith effort with the USPTO to reinstate the May 5, 2006 amendment, but was unsuccessful due to an apparent misunderstanding by the USPTO.

August 8, 2007  
Date

Blake T. Biederman  
451 Bellevue Road  
Newark, DE 19713

Respectfully submitted,



Blake T. Biederman  
Attorney for Applicant(s)  
Reg. No. 34124

Organization **IC1700** **REMSEN**

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COMMISSIONER FOR PATENTS

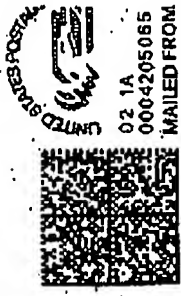
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IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

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*Return to sender*

